

10/044,685 Art Unit 3728

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

PETER AR-FU LAM

Examiner:
David T. Fidel

Serial No. 10/044,685

Group: 3728

Filed: 01/11/02

Docket: B7HTAG

For: Garment Hanger Retail
Package

January 2, 2007

Hon. Commissioner of Patents
and Trademarks**RECORD OF INTERVIEW**
Substance of Interview submitted by applicant

Date of Interview: December 13, 2006

Type: Telephone

Corresponding interview summary provided by examiner: December 20, 2006

Interview summary**(A) Rejection of claims 28-35 under 35 U.S.C. 112:**

The applicant argued that claiming the display tag along one arm or both arms of the hanger is a matter of acceptable claim scope in the claim language since the teaching of the key characteristics of the claims are already fully disclosed. Claiming the display tag along one arm is obvious inherited variation of the specification that is allowed in patent law. The applicant also submitted this ground of rejection was a "NEW" ground of rejection that did not justify a "Final rejection" in the last office action.

Conclusion of interview:

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the examiner asked the applicant to submit supporting reference according to MPEP for this argument in the after interview response for further consideration of the examiner.

(B) Rejection of claim 10 under 35 USC 103(a) according to Markman:

The applicant argued that Markman did not satisfy the following characteristics recited by the subject claim:

- (1) *the characteristic of "garment retail package"*
- (2) *Markman failed to satisfy the characteristic of "behind" recited in the subject claim.*
- (3) *Markman did not and had no intention to provide the "display area extending along the extension of said supporting arm" as claimed.*

Conclusion of interview:

The examiner approved the proposal of applicant to amend claim 10 with the following additional characteristic so as for claim 10 to be allowable:

"...wherein such retail package further comprising means to combine said garment hangers and said display tag to form said garment hanger retail package."

(C) Rejection of claim 14 and 18 under 35 USC 102(b) under Rahmey and separately under Banks:

The applicant argued that the ground of rejection overlooked the following characteristics recited by the subject claims:

- (1) *the hang tag is positioned behind said garment hanger;*
- (2) *the hang tag provides a "substantial full frontal view" of the hanger, noting that the term "substantial full frontal view" was acceptable term arrived under previous telephone discussion with the examiner to define over the prior art, and the subject claims were therefore allowed in previous office actions dated 11/26/2004; 02/22/2005; 03/16/2005; 09/02/2005 and 11/29/2005.*
- (3) *claim 14 was also rejected under 35 USC 103(a) under Banks (the fasteners). It means the office action explicitly admits that there were structural differences between Banks and claim 14 that did not justify a rejection under 35 USC 102(b).*

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Conclusion of Interview:

The examiner and the applicant reached an agreement to amend the claims with the wording that the "*display tag is secured behind said garment hanger*" and then the subject claims will be allowable.

(D) Rejection of claim 13 under 35 USC 103(a) according to Banks:

The applicant argued that the preamble of the claim precisely defines the supporting arms to be the region of the hanger that supports a garment. The display tag of Banks locates in the region that is defined as the "medial portion" of a hanger in the specification, the middle region of a hanger around the neck area that does not support the garment. The applicant further argued that Banks failed to disclose the display area "*vertical above*" the supporting arm.

Conclusion of Interview:

The examiner and the applicant reached an agreement to amend the claims with the additional wording that the "*display tag is secured behind said garment hanger*" and then the subject claims will be allowable.

(D) Rejection of claim 31 under 35 USC 102(b) according to Banks:

In addition to the points of (D) above, the applicant further argued that claim 31 was also rejected under 35 USC 103(a) under Banks. It means the office action explicitly admits that there were structural differences between Banks and claim 31 that did not justify a rejection under 35 USC 102(b).

Conclusion of interview:

The examiner and the applicant reached an agreement to amend the claims with the additional wording that the "*display tag is secured behind said garment hanger*" and then the subject claims will be allowable.

(E) Rejection of claim 31 under 35 USC 103(a) according to Markman:

Firstly, the applicant enquired the clarification of the ground of rejection because the office action dated 09/06/2006 did not state how claim 31 was rejected under 35 USC 103(a) under Markman. Even if claim 31 is rejected under 35 USC 103(a)

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according to Markman, the applicant argued that the preamble of the claim precisely defines the supporting arms to be the region of the hanger that supports a garment. The display tag of Banks locates in the region that is defined as the "medial portion" of a hanger in the specification, the middle region of a hanger around the neck area that does not support the garment. The applicant further argued that Markman failed to disclose the display area "vertical above" the "supporting arm" as recited.

Conclusion of Interview:

The examiner and the applicant reached an agreement to amend the claims with the additional wording that the "*display tag is secured behind said garment hanger*" and then the subject claims will be allowable.

(F) Product samples:

The examiner confirmed receiving of product samples and reviewed the effect of the following claimed characteristics as demonstrated by the samples:

- (1) Sample A - Folded flap to provide substantial frontal view of a hanger;
- (2) Sample A - Transparent fastener to provide a substantial frontal view of a hanger;
- (3) Sample B - display tag sandwiched in between hangers and matching color fasteners to provide a substantial frontal view of a hanger;
- (4) Sample C – comparison with sample B for the visual effect of unmatched color fasteners that were not able to give the user a substantial frontal view of the hanger.

Respectfully submitted,



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Application Number	10/044,685
Filing Date	01/11/02
First Named Inventor	Peter Ar-Fu Lam
Art Unit	3728
Examiner Name	David T. Fidei
Attorney Docket Number	B7HTAG

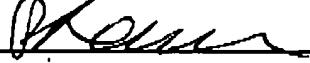
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name			
Signature			
Printed name	Peter Ar-Fu Lam		
Date	01/02/07	Reg. No.	

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